

Staff Summary Report



Hearing Officer Hearing Date: January 15, 2008

Agenda Item Number: 13

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the **SINES PROPERTY** located at 1143 East McKellips Road.

DOCUMENT NAME: 20080115dsdp02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **SINES PROPERTY (PL070537/ABT07032)** (Renate Sines, property owner) Complaint CE073201 located at 1143 East McKellips Road in the R1-6, Single Family Residential District.

PREPARED BY: Derek Partridge, Planner I (480-350-8867)

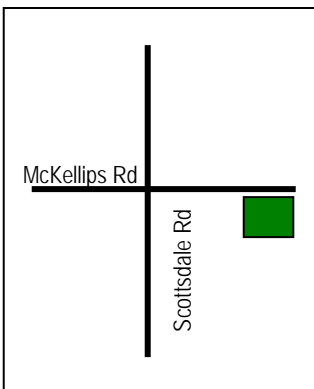
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO: The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **SINES PROPERTY (PL070537/ABT07032)** (Renate Sines, property owner) Complaint CE073201 located at 1143 East McKellips Road in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends the authorization of abatement of this property.



PAGES:

1. List of Attachments
2. Comments; History & Facts/Description

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-11. Neighborhood Enhancement Report

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **SINES PROPERTY (PL070537/ABT07032)** (Renate Sines, property owner) Complaint CE073201 located at 1143 East McKellips Road in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Andres Lara, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

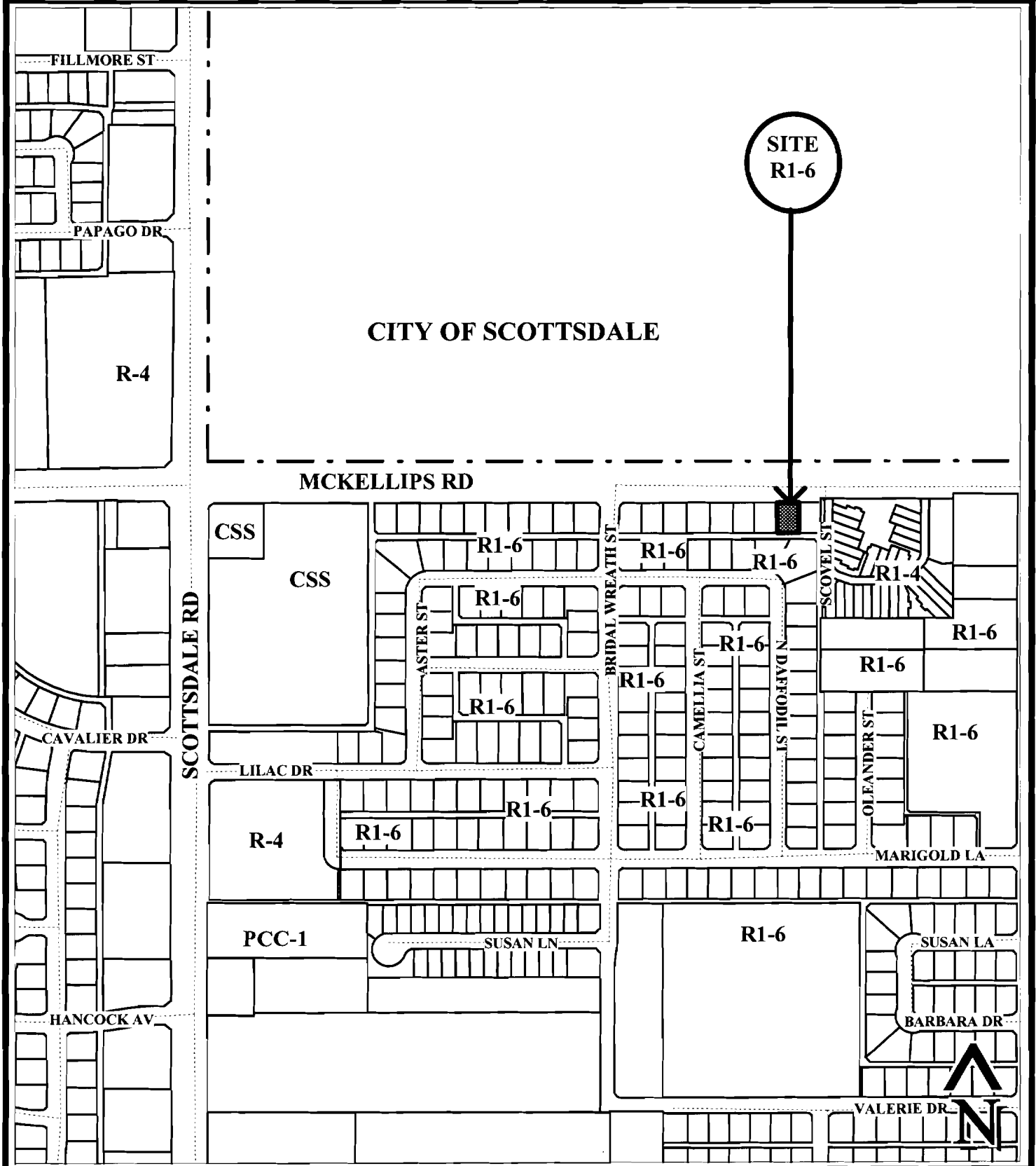
Staff recommends the authorization of abatement of this property.

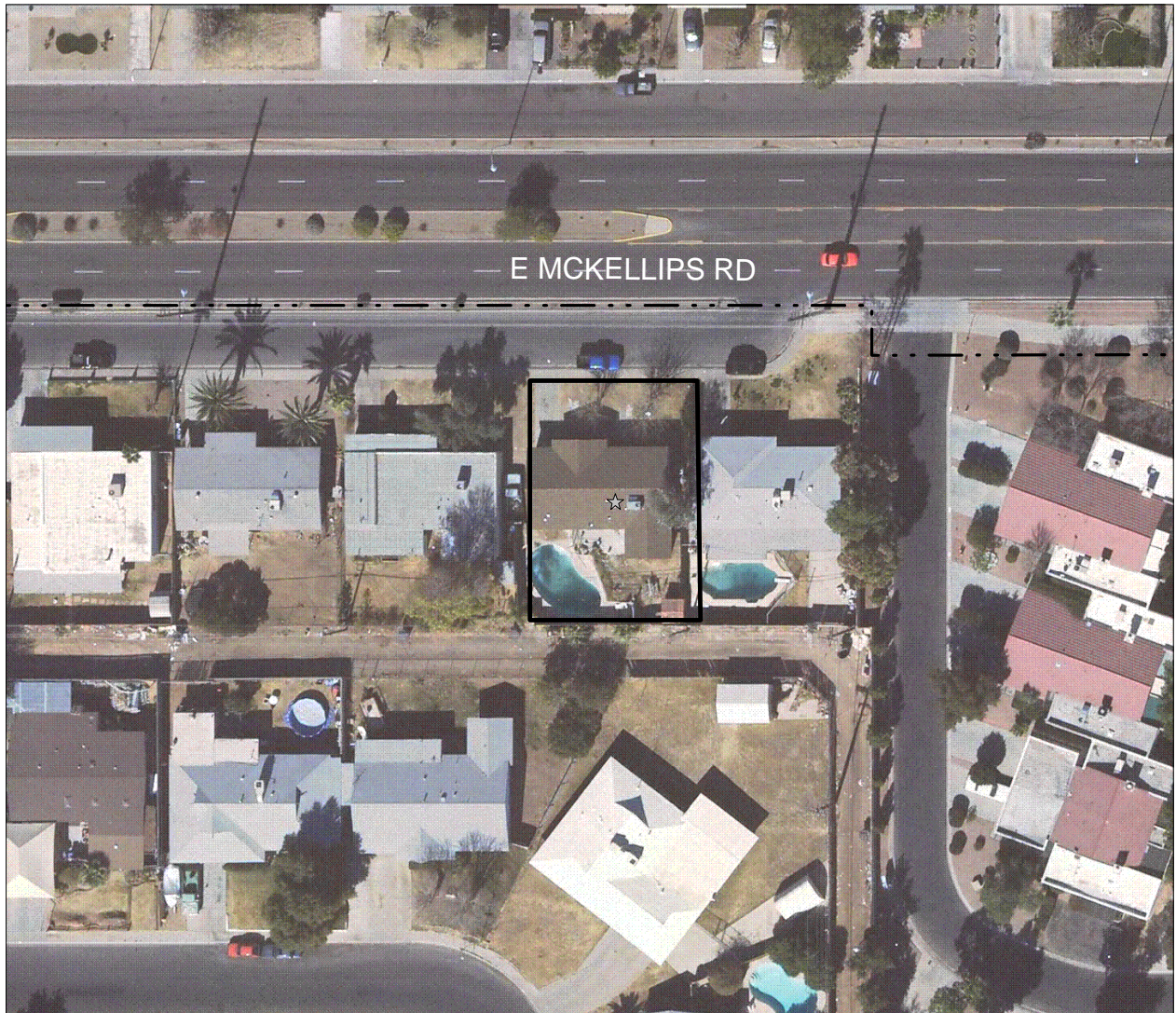
HISTORY & FACTS: See attached memo from the Neighborhood Enhancement Division.

DESCRIPTION: Owner – Renate Sines
Applicant – Andres Lara, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District
Lot area – 6,360 s.f.
Building area – 1,498 s.f.
Year of construction – 1966

SINES PROPERTY

PL070537





SINES PROPERTY (PL070537/ABT07032)

DATE: 12/13/2007
TO: Jan Koehn, Code Compliance Manager
FROM: Andres Lara
SUBJECT: Renate Sines Property Abatement

LOCATION: 1143 E McKellips Rd, Tempe, AZ 85281

LEGAL: Book 132, Map 06, Parcel 094, as recorded with the Maricopa County Assessor

OWNER: Renate Sines
6738 E Culver St
Scottsdale, AZ 85257

FINDINGS:

06/14/2007 Courtesy notice sent to owner for an inoperable or unregistered vehicle, a gray Chevrolet pick-up truck license plate (573-VVM) parked in the west side of the driveway.

06/28/2007 Observed an inoperable or unregistered vehicle parked in the same spot. Observed trash, litter and debris including a car battery and a store cart next to the driveway. Final notice to comply mailed. Corrective action due 07/16/07.

07/16/2007 Observed no changes. Same inoperable or unregistered vehicle parked in the same spot and driveway was not clean. 1st citation issued.

08/02/2007 Owner failed to appear in court to pay fine. Observed trash, litter and debris in the driveway removed. Also observed the same inoperable or unregistered vehicle parked in the same spot. 2nd citation issued.

08/20/2007 Second citation status, owner failed to appear in court to pay fine.

09/10/2007 Abatement notice for an unregistered vehicle posted and mailed to the owner. Hearing date was scheduled for 10/16/07. Notice to comply mailed to the owner for unregistered rental. Corrective action due 09/24/07.

9/24/2007 Final notice to comply mailed to the owner for unregistered rental due 10/10/07.

10/08/2007 Observed gray Chevrolet pick-up truck license plate (573-VVM) parked in the west side of the driveway removed.

- 10/10/2007 Contacted Delia with the assessor's office and property is still registered to the previous owner Mitchell Blackman. Corrective action due 10/18/07. Based on complaint also observed a green swimming pool in the back yard of 1143 E McKellips Rd. Also observed an unregistered vehicle, a maroon 4 door Ford Explorer with no license plate parked in the driveway. Notice to comply mailed to the resident and owner. Corrective action due 10/24/07.
- 10/16/2007 Called Renate Sines (owner) @ 480-664-9690 and left a message with daughter to call me regarding unregistered rental.
- 10/18/2007 Per Delia, property is still registered under the previous owner Mitchell Blackman. 1st citation of \$1000.00 mailed to the owner Renate Sines for unregistered Rental.
- 10/24/2007 Vehicle registered. Green swimming pool not in compliance, final notice to comply mailed to the resident and owner. Corrective action due 11/09/07.
- 11/05/2007 Contacted 480-664-9690 and left a message with Travis (son) of the owner to contact me at her earliest convenience regarding property at 1143 E McKellips Rd. There has been no response.
- 11/09/2007 Green swimming pool not in compliance. Previous citations totaling \$1400 have not been paid. Based on the history of the property, a notice to abate will be served.
- 12/13/2007 A notice to abate the property posted and mailed to the owner.

HISTORY:

10/25/2002 – 11/19/2002	Lawn parking and inoperable vehicle.
12/11/2002 – 12/18/2002	Lawn parking.
04/01/2003 – 04/28/2003	Green pool.
08/17/2005 – 09/14/2005	Green pool.
01/13/2006 – 03/16/2006	Deteriorated landscaping, trash and debris and an unregistered vehicle.
04/09/2007 – 05/30/2007	Deteriorated landscaping and an unregistered rental.

RECOMMENDATIONS:

Two notices and three abatements were sent to the property owner Renate Sines concerning the problems at the residence with minimal response. Renate Sines has failed to correct the violations and staff feels that the only solution to rectify the problems at the residence is to conduct an abatement of the property. I therefore request the City of Tempe Development Services Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,
Andres Lara
City of Tempe Code Inspector



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: December 13, 2007

TO: Renate Sines
6738 E Culver St
Scottsdale, AZ 85257

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LEGAL: Book 132, Map 06, Parcel 094, as recorded with the Maricopa County Assessor.

LOCATION: 1143 E McKellips Rd Tempe, AZ 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of January 15, 2008. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

Green swimming pool (Ref - TCC 21-3-b-16).

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$350.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Enforcement Officer: Andres Lara

Phone Number 480-858-2289



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances
FINAL NOTICE**

Mailed on Date: 10/24/07

**Renate Sines
6738 E Culver St
Scottsdale, AZ 85257**

This notice to comply is to inform you that on **10/24/07**, the property located at **1143 E McKellips Rd.** was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on **11/09/07** or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

Violation of the Tempe City Code, Chapter 21-3-b-16

Swimming pools shall be enclosed by a fence of a height not less than five (5) feet; any gate shall be equipped with a self-closing and self-latching latch or padlocked at all times. Any openings shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

Please take the following corrective action by: 11/09/07

Required Correction(s):

Green pool

Please remove all green algae from the swimming pool and bring up to clear and clean condition.

Note: Swimming pool water must be maintained in a clean clear condition at all times.

**Resident
1143 E McKellips Rd
Tempe, AZ 85281**

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Civil and Criminal Penalties

Section 21-3, Enumerated Violations subsections (b) 1-8 and 17-19, Section 21-4 Enumerated Violations 1-4: 1st occurrence \$100 dollars per violation, 2nd occurrence \$200 dollars per violation, 3rd occurrence \$300 dollars per violation.

Section 21-3, Enumerated Violations subsections (b) 9-16: 1st occurrence \$300 dollars per violation, 2nd occurrence \$600 dollars per violation, 3rd occurrence \$900 dollars per violation.

The city has authority to abate the violation should the owner neglect, fail, or refuse to correct the violation within (30) days and to assess a lien against the property for cost of abatement.

The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this chapter.

Code Inspector: Andres Lara

Phone Number: 480-858-2289

E-mail: andres_lara-reyes@tempe.gov



**City of Tempe Code Compliance Division
Notice to Comply: Article I. Nuisances**

Mailed on Date: 10/10/07

**Renate Sines
6738 E Culver St
Scottsdale, AZ 85257**

This notice to comply is to inform you that on **10/10/07**, the property located at **1143 E McKellips Rd.** was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on **10/24/07** or after this date to verify compliance. If the property is brought into compliance with the code you will not be subject to citations or fines for the violation(s).

Violation of the Tempe City Code, Chapter 21-3-b-3

Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:

- a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any building;
- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within fourteen (14) days after the repair was begun, provided that not more than three (3) such fourteen (14) day repairs will be permitted in any twelve (12) month period;
- c. Not more than two (2) ongoing restoration projects or inoperable or unregistered vehicles in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;
- d. Lawful commercial activities involving vehicles as allowed by the zoning ordinance; or
- e. Operable, off-road vehicles, under the roof area of any building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five (5) feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the city code;

Inoperable vehicle means a vehicle that is physically incapable of its intended operation, or unable to be safely operated at that time, including but not limited to vehicles on blocks or similar devices, with tire or tires, or from which the engine, wheels or tires have been removed.

Off-road vehicle means a recreational vehicle designed for off-road use and not required to be licensed, including without limitation all-terrain vehicles, motocross cycles, sand rails and dune buggies.

Vehicle means a machine propelled by power other than human power designed to travel along the ground, water or air to transport persons, property or machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, boat or aircraft.

Violation of the Tempe City Code, Chapter 21-3-b-16

Swimming pools shall be enclosed by a fence of a height not less than five (5) feet; any gate shall be equipped with a self-closing and self-latching latch or padlocked at all times. Any openings shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under the fence or gate; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect infestation or presents a deteriorated appearance.

Please take the following corrective action by: 10/24/07

Required Correction(s):

Inoperable or unregistered vehicle(s)

Please obtain valid registration (tags) for the maroon 4door Ford Explorer no license plate parked in the driveway or move vehicle(s) to an enclosed area.

Note: All vehicles maintained in the open in the front of the property must be operable and have valid registration.

Green pool

Please remove all green algae from the swimming pool and bring up to clear and clean condition.

Note: Swimming pool water must be maintained in a clean clear condition at all times.

**Resident
1143 E McKellips Rd
Tempe, AZ 85281**

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

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The city has authority to abate the violation should the owner neglect, fail, or refuse to correct the violation within (30) days and to assess a lien against the property for cost of abatement.

The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of this chapter.

Code Inspector: Andres Lara

Phone Number: 480-858-2289

E-mail: andres_lara-reyes@tempe.gov

Bishop Inc.

6340 S. Rural Rd. #118-217
Tempe AZ 85283
PH: (602) 339-2082 Fax (480) 413-1691

7979

Estimate

Name: <u>City of Tempe</u>
Address: <u>P.O.Box 5002</u>
City: <u>Tempe, Az. 85281</u>
Attn: <u>Code Compliance Department</u>

Date <u>11/22/2007</u>
Order # _____
Customer # _____
Our Order # _____

Qty	Description
	Work done at: 1143 E. McKellips
	Scope of work:
	Drain pool
	Price includes materials, labor, and equipment rental fees
	Contract # T05-102-01

Unit Price	Total

Total: \$350.00**Disclaimer:**

Prices may vary due to work completed by homeowner, and the time lapse between this estimate and the abatement date. This estimate is based on a visual inspection of the property due to no access to backyards, locked gates, occupied property and obstructions to the visual inspection such as tarps, plywood covering, over growth of trees and bushes, plastic bags, etc. etc.

